

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	Chapter 13
	:	
Mary Riley	:	No. 21-10071-MDC
Debtor	:	

MOTION FOR TURNOVER AND FOR SANCTIONS FOR VIOLATION OF THE
AUTOMATIC STAY UNDER 11 U.S.C. SECTION 362

Debtor, by their attorney John P. Attiani, makes the following Motion for Turnover and for Sanctions against Creditor, Auto Deals Unlimited, and in support thereof states the following:

1. Debtor, Mary Riley, is an adult individual with an address of 4415 Decatur Street, Philadelphia, PA 19136.
2. Creditor, Auto Deals Unlimited is a corporation doing business at 2251 W Hunting Park Avenue, Philadelphia, PA 19140.
3. Debtor filed a Chapter 13 Bankruptcy case on January 11, 2021.
4. Prior to filing the Bankruptcy Debtor purchased and financed a 2008 Ford Edge from the Creditor, Auto Deals Unlimited.
5. Prior to filing the Bankruptcy Creditor, Auto Deals Unlimited repossessed the 2008 Ford Edge on December 28, 2020.
6. On January 12, 2021, Debtor's counsel emailed a Notice of Bankruptcy to Defendant, Auto Deals Unlimited attached hereto as Exhibit "A."
7. Creditor, Auto Deals Unlimited was made aware that a Bankruptcy has an Automatic Stay under 11 U.S.C. § 362 to protect Debtors, and any repossession and collection efforts without proper action would violate the Automatic Stay.
8. To date, Creditor, Auto Deals Unlimited has retained possession of the 2008 Ford Edge in violation of the Automatic Stay.

9. To date, Creditor, Auto Deals Unlimited has not filed a Motion for Relief of the Automatic Stay.

10. Debtor has suffered actual loss of time, loss of income, as well as mental distress as a direct result of the loss of her primary mode of transportation and her personal belongings inside the vehicle.

WHEREFORE, Debtor, by attorney John P. Attiani, respectfully requests the Honorable Court:

(a) Order Creditor, Auto Deals Unlimited to turn over Debtor's 2008 Ford Edge and the contents therein to the Debtor;

(b) Find that Creditor, Auto Deals Unlimited is in contempt of Court for violating 11 U.S.C. § 362 and 542;

(c) Disallow any post-petition fees and costs of the Creditor, Auto Deals Unlimited for storage of the 2008 Ford Edge;

(d) Order other such relief as is just and proper.

/s/ John P. Attiani, Esq.

John P. Attiani
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Date: January 14, 2021